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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
TIMOTHY RYAN,  
  
Defendant.

CASE NO: 2:15-cr-338-APG-GWF

**UNOPPOSED MOTION TO PREPARE A  
PRE-PLEA PRESENTENCE  
INVESTIGATION REPORT AND  
PROPOSED ORDER**

COMES NOW, TIMOTHY RYAN, by and through his attorney of record, JAMES A. ORONOS, ESQ., of the law firm ORONOS, ERICSSON & GAFFNEY, LLC, and hereby moves this Honorable Court to order the United States Department of Parole & Probation to prepare a pre-plea presentence investigation report of TIMOTHY RYAN as soon as possible.

This request is based upon the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and any oral argument the Court may entertain.

Dated this 6<sup>th</sup> day of March, 2017.

/s/ James A. Oronoz  
JAMES A. ORONOS, ESQ.  
Nevada Bar No. 6769  
1050 Indigo Drive, Suite 120  
Las Vegas, NV 89145  
*Attorney for Timothy Ryan*

**MEMORANDUM OF POINTS AND AUTHORITIES****I. STATEMENT OF FACTS**

On December 8, 2015, a federal grand jury returned an Indictment charging the Defendant, Timothy Ryan, with the following offenses: Count One- Bank Robbery, in violation of 18 U.S.C. § 2113(a); Count 2- Armed Bank Robbery, in violation of 18 U.S.C. § 2113(a) and (d); Count 3- Bank Robbery, in violation of 18 U.S.C. § 2113(a); Count 4- Armed Bank Robbery, in violation of 18 U.S.C. § 2113(a) and (d); Count 5- Armed Bank Robbery, in violation of 18 U.S.C. § 2113(a) and (d); and Count 6- Armed Bank Robbery, in violation of 18 U.S.C. § 2113(a) and (d). Mr. Ryan is currently scheduled to proceed to trial on April 24, 2017.

**II. LEGAL ARGUMENT**

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally*, Fed. R. Crim. P. 32.

On March 28, 2016, Mr. Ryan's prior counsel filed an unopposed motion for the preparation of a pre-plea pre-sentence report, which this Court granted. In the ensuing period of time, the state of the law has changed such that the original pre-plea pre-sentence report's conclusion that Mr. Ryan qualifies as a career offender is now in doubt. Hoping to resolve this critical issue, Counsel requests that this Court order an amended pre-plea pre-sentence report which takes into account the recent legal changes which are dispositive as to the issue of whether Mr. Ryan still qualifies as a career offender. Obviously, this issue is of critical importance to any resolution of the case, therefore common sense and the concerns associated with judicial economy both weigh heavily in favor of this Court ordering the completion of an amended pre-plea pre-sentence report.

Based on the foregoing, Defendant Timothy Ryan asks this Court to grant his Unopposed Motion to Prepare a Pre-Plea Presentence Investigation Report. Defendant further requests this Court order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Ryan as soon as possible.

/s/ James A. Oronoz  
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*Attorney for Timothy Ryan*

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**ORDER**

  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that I am an employee of Oronoz, Ericsson & Gaffney, LLC, and is a person of such age and discretion as to be competent to serve papers.

That on March 6, 2017, I served an electronic copy of the above and foregoing UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the person(s) named below:

DANIEL G. BOGDEN  
United States Attorney  
*Counsel for United States*

BRANDON JARROCH  
Assistant United States Attorney  
*Counsel for United States*

/s/ Rachael Stewart  
Employee of Oronoz, Ericsson & Gaffney, LLC